IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.5198 OF 2004

Anant Pandurang Chavan ..Petitioner.
Vs.
Tehsildar, Tala & Ors. ..
Respondents.

....

Mr. C.G. Gavnekar for the petitioner.
Mr. C.R. Sonawane, AGP for respondent Nos.1 to 3.

....

CORAM : S. RADHAKRISHNAN &
DR.D.Y.CHANDRACHUD, JJ.

23rd November, 2004.

P.C. :

1. Rule, made returnable forthwith. Learned AGP waives service on behalf of respondent Nos.1 to 3. Heard learned counsel for the petitioner and learned AGP for respondent Nos.1 to 3. By consent, taken up for hearing and final disposal.

2. By this petition the petitioner has challenged the orders dated 21st March, 2001 passed by respondent No.1 - Tehsildar, Tala, District Raigad and also the order dated 26th February, 2003 passed by respondent No.2 - the Secretary and Officer on Special Duty in revision. Learned counsel for the petitioner brought to our

notice from the annexures to the affidavit in reply filed by the State of Maharashtra a circular dated 13th March, 1996 issued by the office of the of the District Collector, Raigad wherein clay has been excluded from the definition of specified minor minerals. In the light of the aforesaid circular, we are inclined to quash both the impugned orders which are impugned in this petition being order dated 21st March, 2001 passed by Tehsildar, Tala, being Exhibit A to the petition and the order dated 26th February, 2003 passed by respondent No.2, being Exhibit E to the petition and remand the matter back to respondent No.1 for afresh reconsideration having regard to the aforesaid circular dated 13th March, 1996 issued by the office of the District Collector, Raigad. The Tehsildar, Tala shall decide the same as expeditiously as possible preferably within a period of four months.

Rule is made absolute in the aforesaid terms.

S.RADHAKRISHNAN, J.

DR.D.Y.CHANDRACHUD, J.